

## Exhibit A



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS  
32 OLD SLIP, 26<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10005

TIMOTHY C. J. BLANCHARD  
DIRECTOR  
NEW YORK OFFICE

January 30, 2019

Dr. Mark Toback  
Superintendent  
Wayne Township Public Schools  
50 Nellis Drive  
Wayne, New Jersey 07470

Re: Case No. 02-19-5908  
Wayne Township Public Schools

Dear Superintendent Toback:

I am writing to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR) is opening a directed investigation of Wayne Township Public Schools (the District) in order to assess the District's compliance with Federal civil rights laws with respect to the accessibility of its website and online programs to individuals with disabilities. Pursuant to its regulatory authority set forth in 34 C.F.R. § 104.61,<sup>1</sup> OCR will initiate an investigation whenever a report, complaint, or other information indicates a possible failure to comply with the laws and regulations enforced by OCR.<sup>2</sup>

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the Department. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (the ADA), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by certain public entities.

OCR will investigate whether the District's website and on-line programs exclude qualified persons with disabilities from participation in, deny them the benefits of, or otherwise subject them to discrimination under any program or activity, in violation of Section 504 and its implementing regulation at 34 C.F.R. § 104.4 and/or Title II of the ADA and its implementing regulation at 28 C.F.R. § 35.130. In addition, OCR will investigate whether the District fails to take appropriate steps to ensure that communications with applicants, participants, members of

<sup>1</sup> Incorporating the procedural provisions applicable to Title VI of the Civil Rights Act of 1964 found in 34 C.F.R. §§ 100.6- 100.10 and 34 C.F.R. Part 101.

<sup>2</sup> See also § 402 of OCR's Case Processing Manual: <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

the public, and companions with disabilities are as effective as its communications with others, in violation of 28 C.F.R. § 35.160(a). Please note that the initiation of a directed investigation in no way implies that OCR has made a determination as to whether a violation of any Federal law exists.

Pursuant to Section 302 of its *Case Processing Manual*, OCR can resolve a case prior to the completion of an investigation through a voluntary resolution agreement when the recipient expresses an interest in resolving the case and OCR determines that it is appropriate to do so. If you are interested in pursuing this resolution option, please notify the staff assigned to investigate the case.

The staff assigned to investigate this case will contact you within the coming weeks to make arrangements for the next steps in the directed investigation, including requesting data. In the meantime, if you have any questions, please call 646-428-3800 or direct electronic mail correspondence to [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov).

Sincerely,



Timothy C.J. Blanchard



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS, REGION I  
5 POST OFFICE SQUARE, 8<sup>th</sup> FLOOR  
BOSTON, MASSACHUSETTS 02109-3921

January 30, 2019

Superintendent Raymond Yeagley  
Rochester School District  
150 Wakefield Street, Suite 8  
Rochester, NH 03867-1348

Re: OCR Docket # 01-19-5908

Dear Superintendent Yeagley:

I am writing to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR) is opening a directed investigation of Rochester School District (District) in order to assess the District's compliance with Federal civil rights laws with respect to the accessibility of its website and on-line programs to individuals with disabilities. Pursuant to its regulatory authority set forth in 34 C.F.R. § 104.61<sup>1</sup>, OCR will initiate an investigation whenever a report, complaint, or other information indicates a possible failure to comply with the laws and regulations enforced by OCR.<sup>2</sup>

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementation regulation, 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability by recipients of Federal financial assistance. OCR also enforces Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibits discrimination on the basis of disability by public entities.

Specifically, OCR will investigate whether the District's website and on-line programs exclude qualified persons with disabilities from participation in, deny them the benefits of, or otherwise subject them to discrimination under any program or activity, in violation of the Section 504 and its implementing regulation at 34 C.F.R. § 104.4 and the regulation implementing Title II at 28 C.F.R. § 35.130. In addition, OCR will investigate whether the District fails to take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as its communications with others, in violation of 28 C.F.R. § 35.160(a).

Please note that the initiation of a directed investigation in no way implies that OCR has made a determination as to whether a violation of any Federal law exists.

<sup>1</sup> Incorporating the procedural provisions applicable to Title VI of the Civil Rights Act of 1964 found in 34 C.F.R. §§ 100.6- 100.10 and 34 C.F.R. Part 101.

<sup>2</sup> See also § 402 of OCR's Case Processing Manual: <http://www2.ed.gov/about/offices/list/ocr/docs/corcpm.pdf>

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Pursuant to Section 302 of its *Case Processing Manual*, OCR can resolve a case prior to the completion of an investigation through a voluntary resolution agreement when the recipient expresses an interest in resolving the case and OCR determines that it is appropriate to do so.

I will contact you within the coming weeks to make arrangements for the next steps in the directed investigation, including requesting data. If you have any questions, please contact me at 617.289.0111 or direct e-mail correspondence to [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov).

Sincerely,



Adrienne M. Mundy-Shephard  
Acting Regional Director